UNITED STATES DISTRICT COURT

Eastern UNITED STATES OF AMERICA V.		District of	North Carolina	North Carolina		
		JUDGMENT IN A CRIMINAL CASE				
VICTOR ALFONSO SANTIBANEZ-PELAYO			er: 4:09-CR-61-2F er:51715-056			
		MYRON HIL Defendant's Atto				
THE DEFENDANT:						
pleaded guilty to count(s)	ONE & FOUR - INDICTME	ENT				
pleaded nolo contendere to cou which was accepted by the cou						
was found guilty on count(s) after a plea of not guilty.						
The defendant is adjudicated guilt	y of these offenses:					
Title & Section	Nature of Offense	<u>}</u>	Offense Ended	Count		
21 U.S.C. § 846	Distribute 5 Kilogran More of Cocaine Ba	bute and Possess With t ns or More of Cocaine, 5 se (Crack), and a Quant g Methamphetamine	0 Grams or	1		
The defendant is sentence the Sentencing Reform Act of 198	d as provided in pages 2 thro 34.		of this judgment. The sentence is impose			
☐ The defendant has been found	not guilty on count(s)					
✓ Count(s) THREE &	SIX is	are dismissed or	n the motion of the United States.			
It is ordered that the defe or mailing address until all fines, re the defendant must notify the cou	ndant must notify the United estitution, costs, and special a rt and United States attorney	States attorney for the assessments imposed to of material changes	is district within 30 days of any change of by this judgment are fully paid. If ordered in economic circumstances.	name, residence to pay restitution		
Sentencing Location: WILMINGTON, NORTH CA	ROLINA	Junes	on of Judgment			
			FOX, SENIOR U.S. DISTRICT JUDG	BE .		
		Name and Title 6/10/2010 Date	of Judge			

AO 245B NCED

(Rev. 12/03) Judgment in a Criminal Case

Sheet 1A

DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	<u>Count</u>
18 U.S.C. §§ 924	Possession of Firearms in Furtherance of a Drug	2/29/2008	4
(c)(1)(A) and 2	Trafficking Crime & Aiding & Abetting		

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(Rev. 12/03) Judgment in Criminal Case Sheet 2 — Imprisonment AO 245B NCED

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DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

IMPRISONMENT

to

total t	erm of:
	months nt 1 - 86 months; Count 4 - 60 months consecutive
	The court makes the following recommendations to the Bureau of Prisons:
€	The defendant is remanded to the custody of the United States Marshal.
	The defendant shall surrender to the United States Marshal for this district:
	□ at □ a.m. □ p.m. on □
	as notified by the United States Marshal.
	The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
	before p.m. on
	as notified by the United States Marshal. Or
	as notified by the Probation or Pretrial Services Office.
	RETURN
I have	executed this judgment as follows:
	Defendant delivered on to
a	, with a certified copy of this judgment.
	UNITED STATES MARSHAL
	Ву
	DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 12/03) Judgment in a Criminal Case NCED Sheet 3 — Supervised Release

DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

SUPERVISED RELEASE

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of

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

5 years on each count, concurrent

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☆	The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
Z	The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
	The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
	The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1. The defendant shall not leave the judicial district or other specified geographic area without the permission of the court or probation officer.
- 2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five (5) days of each month.
- 3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4. The defendant shall support the defendant's dependents and meet other family responsibilities.
- 5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6. The defendant shall notify the probation officer at least then (10) days prior to any change of residence or employment.
- 7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- The defendant shall not frequent places where controlled substances are illegally sold, used distributed, or administered, or other places specified by the court.
- 9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 10. The defendant shall permit a probation officer to visit the defendant at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 11. The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.
- The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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(Rev. 12/03) Judgment in a Criminal Case Sheet 3C - Supervised Release

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DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation office.

The defendant shall provide the probation office with access to any requested financial information.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Upon completion of the term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

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gment in a Criminal Case Sheet 5 — Criminal Monetary Penalties

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DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TO	TALS \$	Assessment 200.00		\$	F <u>ine</u>	<u>Restitu</u> \$	<u>tion</u>
	The determina		ion is deferred until	Ar	Amended Judgm	ent in a Criminal Cas	e (AO 245C) will be entered
	The defendant	t must make re	stitution (including	community re	stitution) to the foll	owing payees in the am	ount listed below.
	If the defenda the priority or before the Un	nt makes a par der or percent ited States is p	tial payment, each p age payment colum aid.	ayee shall rec n below. How	eive an approximate vever, pursuant to 1	ely proportioned paymer 8 U.S.C. § 3664(i), all r	nt, unless specified otherwise in confederal victims must be paid
Nar	ne of Payee				Total Loss*	Restitution Ordered	Priority or Percentage
		то	OTALS		\$0.00	\$0.0	0
	Restitution a	mount ordered	pursuant to plea ag	reement \$ _			
	fifteenth day	after the date	terest on restitution of the judgment, pu y and default, pursu	rsuant to 18 U	.S.C. § 3612(f). Al	nless the restitution or f l of the payment option	ine is paid in full before the s on Sheet 6 may be subject
	The court de	termined that t	he defendant does r	ot have the ab	ility to pay interest	and it is ordered that:	
		rest requirement rest requirement	nt is waived for the	☐ fine	restitution.	s follows:	

^{*} Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: VICTOR ALFONSO SANTIBANEZ-PELAYO

CASE NUMBER: 4:09-CR-61-2F

SCHEDULE OF PAYMENTS

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Havi	ng a	ssessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:
A		Lump sum payment of \$ due immediately, balance due
		not later than , or in accordance C, D, E, or F below; or
В		Payment to begin immediately (may be combined with $\Box C$, $\Box D$, or $\Box F$ below); or
C		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or
D		Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
E		Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
F	\checkmark	Special instructions regarding the payment of criminal monetary penalties:
		The special assessment shall be due in full immediately.
		the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during ment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial bility Program, are made to the clerk of the court. Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.
		at and Several
	Def and	Fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, l corresponding payee, if appropriate.
	The	e defendant shall pay the cost of prosecution.
	The	e defendant shall pay the following court cost(s):
	The	e defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.